

ORDINANCE NO. 389

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES AMENDING CHAPTER 17.02 (SINGLE-FAMILY RESIDENTIAL DISTRICTS) OF TITLE 17 OF THE CITY'S MUNICIPAL CODE TO MODIFY THE NEIGHBORHOOD COMPATIBILITY AND THE ROOF DECK REQUIREMENTS FOR CITYWIDE RESIDENTIAL ZONED NEIGHBORHOODS.

WHEREAS, on December 4, 2001, the City Council established a Neighborhood Compatibility Steering Committee (referred herein as "Committee") assigned with the task of reviewing the City's current Neighborhood Compatibility requirements and create a publication that conveys the process and procedures to the general public; and,

WHEREAS, between February 15, 2002, and December 6, 2002, the Committee convened, during which time improvements to the City's Neighborhood Compatibility requirements were considered and a new Neighborhood Compatibility Handbook was prepared; and,

WHEREAS, on February 8, 2003, the Committee presented its recommended changes to the City Council and the Planning Commission at a Joint Workshop; and,

WHEREAS, at the February 8, 2003 Joint Workshop, the City Council and Planning Commission reviewed the Committee's recommendations and accepted the proposed changes with slight modifications and directed Staff to initiate the necessary code amendment proceedings; and,

WHEREAS, on March 22, 2003, a notice was published in the *Palos Verdes Peninsula News*; and,

WHEREAS, after notices issued pursuant to the provisions of the Rancho Palos Verdes Municipal Code, the Planning Commission conducted a public hearing on April 8, 2003, at which time all interested parties were given an opportunity to be heard and present evidence regarding said amendments to Title 17 as set forth in the Planning Commission Staff Report of that date; and,

WHEREAS, the Planning Commission reviewed and considered the proposed code amendments to Title 17 and adopted P.C. Resolution No. 2003-14 forwarding its recommendations to the City Council for its consideration; and,

WHEREAS, on April 17, 2003, a notice of a public hearing on this code amendment was published in the *Palos Verdes Peninsula News*; and

WHEREAS, after notices issued pursuant to the requirements of Rancho Palos Verdes Development Code, the City Council held a duly noticed public hearing on May 6, 2003, at which time all interested parties were given the opportunity to be heard and present evidence:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: The City Council has reviewed and considered the amendments to Chapter 17.02 of Title 17 of the Municipal Code.

Section 2: The City Council finds that there is no substantial evidence that the amendments to Title 17 would result in new significant environmental effects, or a substantial increase in the severity of the effects, as previously identified in Environmental Assessment No. 694 and the Negative Declaration, adopted through Resolution No. 97-25 in conjunction with Ordinance No. 320 for amendments to Titles 16 and 17 of the Municipal Code, since the new amendments are clarifications and minor non-substantive revisions to the Development Code. An Addendum (No. 7) to the prior Negative Declaration has been prepared and is attached hereto as Exhibit 'A'. The City Council hereby finds, based on its own independent review, that the facts stated in the Addendum are true because the minor revisions to the Development Code will strengthen the Code and lessen potential environmental impacts of future development in the City.

Section 3: The City Council finds that the amendments to Title 17 are necessary to preserve the public health, safety, and general welfare in the area.

Section 4: Paragraphs B and D of Section 17.02.030 of Title 17 are hereby amended to read as follows:

17.02.30 Development standards.

B. Neighborhood Compatibility.

1. The following residential development projects shall be compatible with the character of the immediate neighborhood:
 - a. A new residence that is proposed to be developed on a vacant lot;
 - b. A new residence that is proposed to replace an existing residence;
 - c. An existing residence that is proposed to be remodeled or renovated such that fifty percent or greater of any existing interior and exterior walls or existing square footage is demolished;
 - d. An addition to an existing single-family residence or the construction of any new detached structure that individually, or when combined with prior additions cumulatively, results in the greater of: (i) 750 square feet of additional floor area, or (ii) a 25% expansion of the total square footage of all of the original structures constructed on the property, including the main residence, the garage, and all detached structures;
 - e. The construction of, or an addition to, a new second story or higher story; pursuant to Chapter 17.02 of the Development Code;
 - f. Projects that result in lot coverage that exceeds the maximum allowed in Chapter 17.02 of the Development Code;
 - g. An addition of a deck, balcony or roof deck to a second story or higher story that is eighty (80) square feet or larger in area or projects more than six (6) feet from the existing building; and,
 - h. An addition of a mezzanine to an existing structure that modifies the exterior of the structure.
2. As defined in Section 17.02.040(A)(6) of this chapter, neighborhood character means the existing characteristics in terms of the following:
 - a. Scale of surrounding residences;
 - b. Architectural styles and materials; and
 - c. Front, side and rear yard setbacks.

D. Roof Decks

1. "Deck" means a platform that is freestanding or attached to a building or structure. A deck attached to, and projecting beyond, the vertical surface of a building or structure that is located a minimum of eight feet above adjacent grade shall be considered a balcony.
2. Decks located upon the roof of a primary building shall be permitted, except for the following decks which shall be prohibited:
 - a. Decks which are not directly accessible from habitable floor area located on the same level as the deck;
 - b. Decks which are solely accessed by exterior stairs, a roof hatch, or both (or other similar openings);
 - c. Decks located entirely on the roof of an accessory structure or detached garage.
3. As required in Section 17.02.030(B)(1)(g), a roof deck or balcony that exceeds eighty (80) square feet or projects more than six (6) feet from the existing building shall not be approved unless determined to be compatible with the existing neighborhood.
4. The following standards shall apply to all permitted roof decks:
 - a. A deck shall not create an infringement of privacy, as defined by the height variation findings discussed in Section 17.02.040.C.1.e.ix;
 - b. Any outdoor furnishings, accessories or plants located on a "roof deck" shall not exceed a height of eight feet or the bottom of the roof eave, whichever is lower, as measured from the finished floor of the deck; and,
 - c. Any outdoor furnishings, accessories or plants located on a "roof deck" which exceed the height limits established in Section 17.02.040, shall not significantly impair a view from surrounding properties.

Section 5: Paragraph A of Section 17.02.040 of Chapter 17.02 of Title 17 is hereby amended read as follows:

6. "Neighborhood character" means the existing characteristics in terms of the following:
 - a. Scale of surrounding residences;
 - b. Architectural styles and materials; and
 - c. Front, side and rear yard setbacks.

Section 6: The rights given by any approval granted under the terms of Title 17 of the Rancho Palos Verdes Municipal Code prior to the effective date of this ordinance shall not be affected by the amendments to Title 17 by this ordinance and shall continue in effect until and unless they are modified, revoked, expired or are otherwise terminated according to the terms of the approval or the terms of Title 17, as they existed prior to the effective date of this ordinance.

Section 7: The amendments to Title 17 of the Rancho Palos Verdes Municipal Code as identified herein shall apply to all development applications submitted after the effective date of the adoption of said ordinance and to all development applications that have not been deemed complete prior to the effective date of the adoption of said ordinance.

PASSED, APPROVED and ADOPTED this 20th day of May 2003

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ORDINANCE NO. 389 - EXHIBIT "A"

**ADDENDUM NO. 7 TO ENVIRONMENTAL ASSESSMENT/
NEGATIVE DECLARATION (EA/ND) NO. 694**

May 20, 2003

On April 1, 1997, the City Council adopted Resolution No. 97-25, thereby adopting a Negative Declaration for Environmental Assessment No. 694 for amendments to Titles 16 and 17 of the City's Municipal Code. Prior to its adoption, the Negative Declaration was circulated for public comment from March 4 through March 24, 1997 and no substantive comments were received from any persons or responsible agencies. In adopting the Negative Declaration, the City Council found: 1) that there would be no significant adverse environmental impacts resulting from the adoption of the amendments; 2) that many of the amendments were clarifications and minor non-substantive revisions; and 3) that the substantive amendments would reduce impacts on the environment since the requirements and regulations governing development in the City would generally be strengthened, thereby further reducing any adverse impacts to adjacent properties and upon the environment.

The City Council is currently considering an amendment to Title 17 of the Development Code, as it pertains to the Neighborhood Compatibility and the Roof Deck requirements. The proposed amendments clarify the existing Code requirements and provide the decision makers, Staff and the public with clearer direction on how to process residential development applications. As such, the City Council has independently reviewed this item and determined that the proposed amendments will not result in any new significant environmental effects and will actually reduce impacts upon the environment. Furthermore, the City Council finds that the amendments are within the scope of EA/ND No. 694 that were prepared and adopted in conjunction with the amendments to Titles 16 and 17, that were adopted on April 19, 1997 by the City Council. As a result, no further environmental review is necessary other than the adoption of this Addendum No. 7.



RANCHO PALOS VERDES

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF RANCHO PALOS VERDES)

AFFIDAVIT OF POSTING

The undersigned, being first duly sworn, deposes and says:

That at all times herein mentioned, she was and now is the appointed City Clerk of the City of Rancho Palos Verdes;

That on May 27, 2003, she caused to be posted the following document entitled: Ordinance No. 389 – Amending Chapter 17.02 (Single-Family Residential Districts) of Title 17 of the City's Municipal Code to modify the Neighborhood Compatibility and the Roof Deck requirements for Citywide Residential Zoned Neighborhoods, a copy of which is attached hereto, in the following locations:

City Hall
30940 Hawthorne Blvd.
Rancho Palos Verdes

Ladera Linda Community Center
32201 Forrestal Drive
Rancho Palos Verdes

Ryan Park
30359 Hawthorne Blvd.
Rancho Palos Verdes

Hesse Park
29301 Hawthorne Blvd.
Rancho Palos Verdes

I certify under penalty of perjury that the foregoing is a true and correct affidavit of posting.


City Clerk